

Tri Minh Huynh  
Pro Se Plaintiff  
4015 134th Ave SE  
Bellevue, WA 98006  
Email: trimhuynh@outlook.com  
Telephone: (408) 757-5516

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)**

TRI MINH HUYNH,

**Plaintiff,**

V.

Walmart Inc., a Delaware Corporation; Doug McMillon; Brett Biggs; Marc Lore; The deRubertis Law Firm; David deRubertis; BOFA SECURITIES, Inc., a Delaware Corporation; Robert F. Ohmes

Defendant(s).

District Court Case: 3:22-cv-00142-JSC  
Ninth Cir. Case: 22-16181

**PLAINTIFF'S SECOND AMENDED  
NOTICE OF APPEAL TO THE UNITED  
STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT**

PLAINTIFF'S SECOND AMENDED NOTICE OF APPEAL TO THE UNITED STATES  
COURT OF APPEALS FOR THE NINTH CIRCUIT

District Court's Case No: 3:22-cv-00142-JSC; Ninth Circuit's Case No: 22-16181

1 On August 5, 2022, Plaintiff/Appellant, Tri Minh Huynh, acting Pro Se, filed his First  
 2 Amended Notice of Appeal to the United States Court of Appeals for the Ninth Circuit to narrow  
 3 the scope of his original Notice of Appeal (Dkt. 243). Plaintiff/Appellant narrowed the scope of  
 4 his original appeal in three ways. First, he reduced the number of Defendants/Appellees from 14  
 5 to 8. Second, he reduced the scope of his claims against the Defendants from RICO, RICO Con-  
 6 spiracy, and Biven Actions to RICO and RICO Conspiracy. Third, he reduced the scope of the  
 7 reliefs sought against the Defendants for the loss of Huynh I and the loss of his SEC Whistle-  
 8 blower reward to only the loss of his SEC Whistleblower reward.

9 The table below provides a side-by-side comparison between the scope of the first  
 10 amended notice of appeal (Dkt. 245) and the original notice of appeal (Dkt. 243).

11 Areas	12 Original Notice of Appeal	First Amended Notice of Appeal (Narrower Scope)
13 14 15 16 17 18 19 20 21 Named Defendants	<ul style="list-style-type: none"> <li>• Walmart Inc.; Doug McMillon; Brett Biggs; and Marc Lore Defendants.</li> <li>• GIBSON, DUNN &amp; CRUTCHER LLP; Theodore J. Boutrous Jr. and Rachel S. Brass Defendants.</li> <li>• The deRubertis Law Firm, APC and David deRubertis.</li> <li>• BOFA Securities, Inc. and Robert Ohmes Defendants.</li> <li>• Epiq eDiscovery Solutions, Inc., and Douglas Kasales Defendants.</li> <li>• Lighthouse Document Technologies, Inc. Defendant.</li> </ul>	<ul style="list-style-type: none"> <li>• Walmart Inc.; Doug McMillon; Brett Biggs; and Marc Lore Defendants.</li> <li>• The deRubertis Law Firm, APC and David deRubertis Defendants.</li> <li>• BOFA Securities, Inc. and Robert Ohmes Defendants.</li> <li>• These Defendants will be collectively called the Defendants in this filing.</li> </ul>
22 23 24 25 26 27 Claims	<ul style="list-style-type: none"> <li>• RICO</li> <li>• RICO Conspiracy</li> <li>• Bivens Action</li> <li>• Damages sought.           <ul style="list-style-type: none"> <li>◦ Loss of Huynh I</li> <li>◦ Loss of SEC Whistleblower reward under Section 15 U.S.C. §78u-6(b)(1) of the Dodd-Frank Act.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• RICO</li> <li>• RICO Conspiracy</li> <li>• Damages sought.           <ul style="list-style-type: none"> <li>◦ Loss of SEC Whistleblower reward under Section 15 U.S.C. §78u-6(b)(1) of the Dodd-Frank Act.</li> </ul> </li> </ul>

28 PLAINTIFF'S SECOND AMENDED NOTICE OF APPEAL TO THE UNITED STATES  
 COURT OF APPEALS FOR THE NINTH CIRCUIT

District Court's Case No: 3:22-cv-00142-JSC; Ninth Circuit's Case No: 22-16181

On September 1<sup>st</sup>, 2022, Plaintiff/Appellant timely filed a Motion for Partial Reconsideration, under F.R.C.P Rule 59(e) with an embedded Rule 15(a)(2) motion and the attached the proposed Verify Second Amended Complaint. (See Dkt. 247).

In his motions, Plaintiff/Appellant requested District Judge Corley for a partial reconsideration of the Aug 4<sup>th</sup>, 2022's rulings (Dkt. 240 and 241). Specifically, the Plaintiff/Appellant sought two reliefs from District Judge Corley.

1. Amends the August 4, 2022's Order and the Final Judgement entered in favor of the Defendants (Dkt. 240 and 241) by issuing an Order to deny the Defendants' Motions to Dismiss the Plaintiff's/Appellant's Verify First Amended Complaint, specifically with regard to the Plaintiff's/Appellant's RICO and RICO Conspiracy claims and the loss of the Plaintiff's/Appellant's SEC Whistleblower reward. Issues an Order to the Clerk of Court to reopen Plaintiff's/Appellant's case.

## OR in the Alternative

2. Evaluates and grants the Plaintiff's/Appellant's Rule 15(a)(2) Motion embedded inside the Appellant's Rule 59(e) Motion, see Dkt. 253; 254; 254-1 to 254-5, to allow the Appellant, acting Pro Se, an opportunity to file the attached proposed Verify Second Amended Complaint to amend his Verify First Amended Complaint.

Subsequently, the Walmart Inc. Defendants and the deRubertis Law Firm, APC Defendants filed their opposition briefs by the deadline set on September 15<sup>th</sup>, 2022. See Dkt. 250 and 251. However, the BOFA Securities, Inc. Defendants filed their Joinder to the deRubertis Inc.’s and the Walmart Inc.’s opposition briefs after the deadline set by District Judge Corley. See Dkt. 252. The Plaintiff/Appellant timely filed his reply brief on September 22<sup>nd</sup>, 2022. See Dkt. 253, 254, 254-1 to 254-5. On September 30<sup>th</sup>, 2022, District Judge Corley issued an order (Dkt. 255), denying both the Appellant’s Rule 59(e) Motion and the embedded Rule 15(a)(2) Motion to amend the Verify First Amended Complaint. See Dkt. 255.

PLAINTIFF'S AMENDED NOTICE OF APPEAL TO THE UNITED STATES  
COURT OF APPEALS FOR THE NINTH CIRCUIT  
Case No: 3:22-cv-00142-JSC

1 In summary, for the Second Amended Notice of Appeal, the Plaintiff/Appellant wants to  
2 appeal District Judge Corley's August 4 and Sept 30, 2022's rulings and seeks the following re-  
3 liefs from the United States Court of Appeals for the Ninth Circuit.

- 4     1. Reversal of Judge's Corley's dismissal of the Appellant's RICO and RICO Conspiracy  
5         Claims and for the loss of his SEC Whistleblower reward against the Defendants and  
6         order the District Court's Clerk of Court to reopen the Appellant's case against the De-  
fendants. Dkt. 240 and 241.  
7     2. Reversal of Judge's Corley's rulings denying the Appellant's Rule 59(e) Motion for Par-  
tial Reconsideration and Rule 15(a)(2) motion embedded inside the Rule 59(e) Motion.  
8         See Dkt. 255.

9  
10 DATED: October 4<sup>th</sup>, 2022

Respectfully Submitted

11                     By: s/Tri Minh Huynh  
12                     Tri Minh Huynh  
13                     Plaintiff/Appellant Acting Pro SE  
14                     4015 134<sup>th</sup> Ave SE  
15                     Bellevue, WA 98006  
16                     Telephone: (408) 757-5516  
17                     Email: trimhuynh@outlook.com

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 PLAINTIFF'S AMENDED NOTICE OF APPEAL TO THE UNITED STATES  
COURT OF APPEALS FOR THE NINTH CIRCUIT  
Case No: 3:22-cv-00142-JSC